

REMARKS

The corrected drawings as required by the Examiner in the Office Action dated 12/26/2002 are submitted. These corrections include the changes required to correct the informalities identified in the "Notice of Draftperson's Patent Drawing Review," PTO-948 which is attached to the Office Action. No new matter is included.

Corrections to the specification are also included to make clear that in the preferred embodiment, the vendor fee is paid to the State who in turn pays the Services Provider the fee. This is consistent with the changes made in the Preliminary Amendment and with original Figure 5 and therefore does not constitute new matter.

Claim Rejections -35 USC § 102

In the current Office Action, Claims 1-3, 5-7, 9-15 and 17-20 were "rejected under 35 U.S.C. § 102(b) as being unpatentable over SiCommNet (SiComm.net) and hereafter referred to as "SiComm""". It is noted that this SiComm reference is a 5 page product summary and "Company Overview" description apparently first published on the Internet in 1998. In order to better understand how Applicants' invention as claimed differs from this SiComm system, the following brief summary of both systems is provided.

The SiComm reference generally describes the SiCommnet BASIC system ("Buying and Selling by Internet Commerce") and the service provided to public agencies whereby they can use this BASIC system. The BASIC system is described as "the nation's first multiple agency capable Internet Commerce site which is completely integrated with an automated purchasing system for use in the competitive procurement process; . . ." (Page 4 para 8) The system is a "state of the art cost saving single data entry automated requisitioning and purchasing system that is integrated with an interactive Internet Commerce system that can be used collectively by any number of public agencies." (Page 4 para 8) The system is described as providing "a single network for both the public and private sectors. . . Each sector may issue requests for quotations and bids for soliciting interactive responses from the private sector." (Page 5 para 4) "Subscribing businesses receive electronic notification of business opportunities, and either respond interactively or download formal bids and proposals for subsequent response." (Page 5 para 3) "Unlike any other system BASIC will also allow subscribing private sector businesses to

solicit competitive business opportunities from other subscribing private sector firms.” (Page 5 para 7) Accordingly this BASIC service appears to be a standalone bid-and-proposal system for use via the Internet which is “similar in concept to cable TV and telephone systems” (Page 5 para 7) wherein the users (state agencies or private sector firms) pay a subscription fee to SiComm (the system supplier) to use the system, and wherein the users can submit requests for proposals, submit bids and accept or refuse any such bid.

The service provided by SiCommnet through the use of its BASIC system is not completely clear from the reference. However, BASIC service is apparently available to private sector businesses through either of two service plans: ACCESS service or PRODUCTIVITY service. (Page 2 paras 6, 7 and 8) ACCESS service is apparently available without charge and PRODUCTIVITY service is available by subscription and provides the public business with additional opportunities, data and other services. Service to Public Agencies is available through either of two plans: PREMIUM PLAN or the SELECT PLAN. (Page 3, para 1, 2, 3 and 4) In the PREMIUM PLAN the Agency pays a one-time License Fee for the first year of service and thereafter uses the BASIC system without additional charge, and receives revenue annually on a pro-rata basis according to a PREMIUM PLAN REVENUE SHARING scheme. This scheme apparently collects 20% of the revenue received from its public sector PRODUCTIVITY SERVICE into a pool which is distributed to the government agencies annually. (Page 3 para 4).

On the contrary, Applicants’ system is not a “request for proposal and bid auction” system that anyone could bid on, or system permitting public companies to interface with other public companies in a public-company-only “request for proposal and bid auction system,” but rather is a combination state agency purchasing system, order tracking system, payment system and a State agency services system for state citizens and other customers of state services to transact business with the relevant State agency on-line for a fee. (Page 8, lines 8-16 and claims 5, 7, 9, 10 11 12, etc.). In the purchasing system, vendors are typically qualified by the State to do business with the State (Page 7 lines 9-12). Moreover, applicants’ system is fundamentally a State’s system wherein the fees for participating are collected from the qualified vendors by the State or for the State and which fees are not a subscription fee paid to the systems provider as in SiComm but rather are a percentage of the sales price of each transaction made by the vendor, (claims 1, 5, 10, 12, 13, 18 and 20) plus the fees paid by customers of State services (claims 3, 7, 9, 11, 12, 15) all of which are paid to the State or for the State.

As positively articulated in amended claims 1,3, 5-7, 9-13, 15 and 18-20, the fees paid by the vendor are a percentage of the sales price of the goods provided by the vendor and the fees paid by customers are fees paid to the state, not by vendors, but by customers of state services, none of which are described by SiComm.

In amended claim 1

“ . . . c. providing an Internet portal for use by a qualified vendor wishing to sell goods and/or services to the state government agency, whereby the vendor pays a fee ~~to the services provider~~ for an opportunity to be connected to the internet-based procurement system, wherein the fee paid by the vendor is a percentage of the costs of the goods and/or services provided to the state by the vendor.”;

and in amended claim 3

“3. (Currently Amended) The method of claim 2_1 comprising an additional act of providing an Internet portal for a customer of the state government agency, whereby the customer can execute an electronic transaction, via the internet-based procurement system, with the state government agency in exchange for a fee ~~payable to the services provider, wherein the customer is one of the group consisting of a person seeking a driver's license, a person seeking a vehicle license, a person seeking a voter registration, a person seeking a license to practice professionally in the state, a person seeking a business registration, a person seeking a sales tax certificate, a person seeking a sales permit and a person seeking a generic state identification document.~~”;

and in amended claim 5

“ . . . a. providing an internet-based procurement system by a services provider for use by a state government agency for procurement of goods and services, where the internet-based procurement system is funded by fees comprising payments from participating vendors, payments by investment from the services provider, payments by transaction fees collected from customers comprising persons seeking services from a state agency through use ~~users~~ of the internet-based procurement system and payments by reduced fees from the state government agency; and

b. providing an Internet portal for use by the state government agency to communicate electronically with the internet-based procurement system to communicate electronically with vendors for goods or services desired by the state government agency, and with customers for services provided by a state agency.”;

and in amended claim 6

6. (Currently Amended) The method of claim 5 comprising an additional act of providing an Internet portal for use by a qualified vendor wishing to sell goods and/or services to the state government agency, whereby the vendor pays a fee ~~to the services provider~~ for the opportunity to be connected to the internet-based procurement system, where the fee paid by the vendor is a percentage of the cost to the state of the goods and/or service provided by the vendor.

and in amended claim 7

“7. (Currently Amended) The method of claim 6 comprising an additional step of providing an Internet portal for a customer of the state government agency, whereby the customer can execute an electronic transaction, via the internet-based procurement system, with the state government agency in exchange for a fee ~~payable to the services provider~~, wherein the customer is one of the group consisting of a person seeking a driver’s license, a person seeking a vehicle license, a person seeking a voter registration, a person seeking a license to practice professionally in the state, a person seeking a business registration, a person seeking a sales tax certificate, a person seeking a sales permit and a person seeking a generic state identification document.”;

and in amended claim 9

“ . . . a second server mechanism coupled to the first server mechanism for communicating with an Internet portal in the state government agency whereby citizens and other customers of state services can communicate with a state agency;”;

and in amended claim 10

“ . . . a database of information electronically coupled to the server computer concerning goods and services available from a plurality of qualified vendors of goods or services who are willing to pay a fee for the opportunity to deal with the state government agency, wherein the fee is a percentage of the costs to the state of the goods and/or services provided by the vendor; ”;

and in amended claim 11

“ . . . and payments by transaction fees collected from ~~users~~ customers comprising persons seeking services from a state agency through use of the computerized eProcurement system.”;

and in amended claim 12

“ . . . determining from the user inputs whether the user is a state employee seeking a purchase of goods and/or services for the state, or whether the user is a citizen or other customer seeking to purchase a good and/or service from the state;

determining from a database whether the desired product or service is available from a state agency or from a qualified vendor wishing to sell goods and/or services to the state government agency, whereby the vendor pays a fee to a services provider for the opportunity to be connected to the eProcurement system; and

providing information regarding the availability of the desired product or service to the state government agency user whether this user is a state employee or a customer of state services, wherein the cost of the eProcurement system is funded by fees comprising payments from participating vendors, payments by investment from the services provider, payments by transaction fees collected from ~~users~~ customers comprising persons seeking services from a state agency through use of eProcurement system and payments of reduced fees from the state government agency.”;

and in amended claim 13

c. providing an Internet portal for use by a qualified vendor wishing to sell goods and/or services to the state government agency, whereby the vendor pays a fee to a state government agency for an opportunity to be connected to the internet-based procurement system, wherein the fee paid by the vendor is a percentage of the cost of the goods or services provided to the state government agency by the vendor, said fee being used in partial payment to the services provider.

and in amended claim 15

“15. (Currently Amended) The method of claim 13 comprising an additional act of providing an Internet portal for a customer of the state government agency, whereby the customer can execute an electronic transaction, via the internet-based procurement system, with the state government agency in exchange for a fee payable to the state government agency for an opportunity to be connected to the internet-based procurement system, said fee being used in partial payment to the services provider, wherein the customer is one of the group consisting of a person seeking a driver’s license, a person seeking a vehicle license, a person seeking a voter registration, a person seeking a license to practice professionally in the state, a person seeking a business registration, a person seeking a sales tax certificate, a person seeking a sales permit and a person seeking a generic state identification document.” ;

and in the previously added claim 17, wherein the fee paid by the vendor is paid “to a state government agency” not to the service provider;

and in amended claim 18 wherein

- “ . . . a third server mechanism coupled to the computer for communicating with a qualified vendor of goods or services who is willing to pay a fee to a state government agency for the opportunity to deal with the state government agency, wherein the fee paid by the vendor is a percentage of the cost of the goods or services provided to the state government agency by the vendor, the fee providing a basis for reducing the price of the procurement system to the state government agency.”;

and in amended claim 19 wherein

" . . . and payments by transaction fees collected from users customers comprising persons seeking services from a state agency through use of the computerized eProcurement system.";

and in amended claim 20 wherein

" . . . providing information regarding the availability of the desired product or service to the state government agency user, wherein the cost of the eProcurement system is funded by fees comprising payments from participating vendors, payments by investment from the services provider, and payments by transaction fees collected from customers desiring service users of eProcurement system and payments of reduced fees from the a state government agency."

Accordingly it is respectfully submitted that independent claims 1, 5, 9, 10, 12, 13, 18 and 20 are allowable as adequately distinguished from SiComm. Furthermore, dependent claims 3, 6-8, 11, 15-17 and 19 depend from these independent claims which are allowable and therefore these dependent claims are themselves allowable. It is therefore respectfully requested that this section 102(b) rejection be withdrawn and these claims passed to issue.

Claim Rejections - 35 USC § 103

In the current Office action, claims 4, 8 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SiComm, in view of "Auctions Pay Dividends for Gov't", L.S. Tillet; News relies (sic); May 2000, www.internetwk.com, 4 pages (referred to as Auctions). It is respectfully submitted that independent claim 1 from which dependent claim 4 depends, independent claim 5 and dependent claim 6 from which dependent claim 8 depends, and independent claim 13 from which dependent claim 16 depends, all have been shown to be allowable and therefore these dependent claims are allowable. Accordingly it is respectfully requested that this section 103(a) rejection be withdrawn and these dependent claims 4, 8 and 16 passed to issue.

CONCLUSION

Claims 1, 3-13, and 15-20 are currently pending in this application. Claims 2 and 14 are cancelled. Claims 1, 3, 5-7, 9-13, 15 and 18-20 have been amended, and all claims now pending have been shown to be allowable. It is therefore respectfully requested that the application be passed to issue.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 426882000400. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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By:


Erwin J. Basinski
Erwin J. Basinski
Registration No. 34,773

Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-7144
Facsimile: (415) 268-7522